

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BOARD OF TRUSTEES OF THE)	
NORTHERN ILLINOIS BENEFIT FUND,)	
BOARD OF TRUSTEES OF THE)	
NORTHERN ILLINOIS PENSION FUND,)	
BOARD OF TRUSTEES OF THE)	
NORTHERN ILLINOIS EDUCATION)	
FUND, BOARD OF TRUSTEES OF)	No. 08 C 1291
THE NORTHERN ILLINOIS)	
RETIREMENT FUND,)	Judge Hibbler
)	
Plaintiffs,)	Magistrate Judge Brown
)	
v.)	
)	
SUPERIOR PLUMBING & PIPING, INC.)	
An Illinois Corporation,)	
)	
Defendant.)	

**MOTION TO ALLOW SERVICE OF SUMMONS AND COMPLAINT MORE
THAN 120 DAYS AFTER FILING OF COMPLAINT**

Plaintiffs, by one of their attorneys, DONALD D. SCHWARTZ, PHILIP BRZOZOWSKI and ARNOLD and KADJAN, pursuant to F.R.C.P. 4(m), respectfully request this Honorable Court to enter an Order allowing Plaintiffs to serve Defendant , SUPERIOR PLUMBING & PIPING, INC., with summons and complaint filed on March 4, 2008. In support thereof, Plaintiffs state as follows:

1. This case was filed on March 4, 2008.
2. Summons was also issued on March 4, 2008
3. On March 6, 2008, Plaintiffs mailed copies of the Complaint and Summons to the Winnebago County Sheriff for service on Defendant. (See copy of letter dated March 6, 2008 attached hereto as Exhibit "1")
4. The Winnebago Sheriff's office subsequently advised that it was not successful in serving Defendant and returned the Complaint and Summons to Plaintiff.

5. On April 25, 2008, Plaintiffs mailed copies of the Complaint and Summons to a private process server (The Argus Agency) for service. (See copy of letter dated April 25, 2008 attached hereto as Exhibit "2")

6. After several attempts to serve the registered agent of Defendant at known addresses in Illinois, the process server determined that the registered agent no longer lived in the area and advised Plaintiffs that the registered agent lived in Henderson, Nevada.

7. The Plaintiffs then mailed copies of the Complaint and Summons to the Clark County Sheriff's Office for service on July 9, 2008. (See copy of letter dated July 9, 2008 attached hereto as Exhibit "3")

8. The Clark County Sheriff's office subsequently served such Complaint and Summons on Defendant's registered agent on July 17, 2008 at 932 Rhyolite Terrace, Henderson, NV 89001. (See copy of Affidavit of Service attached hereto as Exhibit "4")

9. Rule 4 of the Federal Rules of Civil Procedure allow a court to extend the time for service beyond 120 days where plaintiff shows good cause for its failure to serve within the 120 days.

10. Plaintiffs have demonstrated that they were actively attempting to serve Defendant's registered agent from the time of filing its Complaint. Furthermore, Plaintiffs would unnecessarily incur additional costs if made to re-file or re-serve the Summons and Complaint on Defendant.

WHEREFORE, Plaintiffs move this Court to:

1. Enter an Order allowing Plaintiffs to serve Defendant with Summons and Complaint more than 120 days after filing of Complaint.

BOARD OF TRUSTEES OF THE
NORTHERN ILLINOIS BENEFIT FUND,
et al.

By: s/ Philip Brzozowski
One of Its Attorneys

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